



**THE ATTORNEY GENERAL
OF TEXAS**

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December 29, 1971

Honorable James U. Cross
Executive Director
Parks and Wildlife
Department
John H. Reagan Building
Austin, Texas 78701

Opinion No. M-1032

Re: Whether a U.S. Coast
Guard life saving device
is required by law for
every person aboard a
motorboat, and related
questions.

Dear Mr. Cross:

You requested our opinion in regard to the interpretation of Article 1722a, Vernon's Penal Code, as amended by Senate Bill 331, 62nd Legislature, Regular Session, 1971 (ch. 719, p. 2355), which reads as follows:

"(f) Every motorboat shall carry at least one (1) life preserver, or life belt, or ring buoy, or other device of the sort prescribed by the regulations of the Commandant of the Coast Guard for each person on board, so placed as to be readily accessible. Provided, that every motorboat carrying passengers for hire shall carry so placed as to be readily accessible at least one (1) life preserver of the sort prescribed by the regulations of the Commandant of the Coast Guard for each person on board. Provided further, that the operator of every Class A and Class 1 motorboat, while underway, shall require every passenger 12 years of age or under at all times to wear a life preserver of the sort prescribed by the regulations of the Commandant of the Coast Guard; and that only a life preserver, not a life belt or ring buoy, will satisfy this requirement."

You ask three questions:

First: "Is a U.S. Coast Guard approved life saving device required on all motorboats for each person aboard?" Our answer is Yes.

Second: "Are all U.S. Coast Guard approved life saving devices required to have the approval number affixed thereon?"
Our answer is Yes.

Third: "Are other devices similar to approved life saving devices of the sort prescribed by the regulations of the Commandant of the Coast Guard acceptable on motorboats for enforcement purposes?"
Our answer is No.

Our interpretation of Section 7, Subsection (f) of Article 1722a, Vernon's Penal Code, as amended by Senate Bill 331, is that a U.S. Coast Guard approved life saving device is required for every person aboard a motorboat. See Attorney General Opinion No. M-960 (1971).

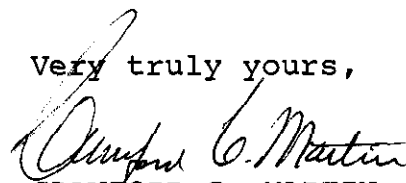
Further, our opinion is that every life saving device must bear a statement that the device is approved by the Coast Guard, and include the approval number issued by the Coast Guard. This statement may be imprinted on the life saving device or on a label attached to the life saving device. The phrase, "... of the sort prescribed by the regulations of the Commandant of the Coast Guard. . .," is interpreted as meaning that only the devices approved by the regulations of the Commandant of the Coast Guard are legal.

Article 1722a, V.P.C., both before and after the 1971 amendments, is the Water Safety Act. To answer these three (3) questions any other way would be to go outside the clear language of the Act and violate the ultimate purpose of safety for all persons riding in motorboats or vessels.

SUMMARY

Article 1722a, V.P.C., requires, among other things, all motorboats or vessels to have at least one safety device for each person on board, and this safety device must have a statement of approval by the Coast Guard.

Very truly yours,



CRAWFORD C. MARTIN
Attorney General of Texas

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